

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 3:07-CR-150-MHT
)	
BENJAMIN SHANE FOSTER)	

MOTION FOR DOWNWARD DEPARTURE FOR
ACCEPTANCE OF RESPONSIBILITY

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully moves this Court to reduce by one (1) level defendant's offense level based on defendant's acceptance of responsibility. As grounds for this motion, the United States avers as follows:

1. A grand jury sitting in the Middle District of Alabama returned an indictment against defendant charging him with being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1), (Case Number 3:07-cr-150-MHT); an information was filed against the defendant in the Northern District of Alabama also charging the defendant with being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1), (Case Number 2:08-cr-48-MHT).

2. Defendant notified the United States of his intent to plead guilty in both cases sufficiently early to permit the government to avoid preparing for trial and to allocate its resources efficiently.

3. Therefore, pursuant to United States Sentencing Guidelines § 3E1.1(b), as amended, the United States makes this formal motion for a one-level reduction in defendant's offense level for acceptance of responsibility such that the total reduction in offense level for defendant's acceptance of responsibility shall be three (3) levels.

WHEREFORE, the United States respectfully requests that this motion be GRANTED.

Respectfully submitted this the 18th day of August, 2008.

LEURA G. CANARY
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CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to J. Carlton Taylor, attorney for the defendant.

Respectfully submitted,

LEURA G. CANARY
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